



Debris Removal Contracts



As a result of a major disaster, local governments may need the assistance of contractors for debris removal operations. After large events, many communities can become overwhelmed by the enormous amounts of debris generated, and may need assistance to comply with proper procurement requirements.

Communities that fail to comply with proper contracting procedures or that enter into inappropriate contracts, may experience severe financial consequences, such as:

- Paying a contractor for work that was not originally part of the contract
- The period of performance may become excessive such that the work is not completed in a timely manner to meet the needs of the community.
- Lawsuits may result by the community (residents), the contractor, or both.
- If there is a state or federal disaster declaration:
 - The community may not be reimbursed for all costs incurred, even if payment must be made to the contractor.
 - There may be delays in funding pending the results of audits, collection of documentation, justification of costs, etc.

Regulations

State

CDAA, Section 2915

Applicants receiving federal disaster assistance funds must comply with applicable federal contracting and procurement requirements contained in 44, Code of Federal Regulations (CFR), Part 13.

Funds withdrawn by the federal government, due to non-compliance with the applicable federal contracting and procurement requirements shall result in a loss or reduction of state cost-sharing assistance. The state shall not provide additional funding to an applicant to substitute for federal funding withdrawn as a result of noncompliance with federal regulations.

Any work performed by a state agency, at the request of a local agency, shall be agreed upon in writing and subject to the state Public Contracts Code. Work performed by a local agency shall be subject to the laws governing the performance of such work by the local agency and any other applicable state or federal laws.

Federal Regulations

Title 44 of the Code of Federal Regulations, Part 13

Covers grant administration, including procurement and contracting criteria. Normal State and local procurement requirements must still be followed, but such regulations must be at least stringent as the Federal procurement regulations (Part 13).

To be eligible for FEMA assistance, competitive bidding must be used except for initial emergency situations.



DEBRIS REMOVAL CONTRACTS

- ☞ The definition of “emergency” in contracting procedures is NOT the same as FEMA’s definition of “emergency work”.
- ☞ Contracts for “emergency work” do not mean that contracts can be awarded without competitive bidding.
- ☞ CalEMA & FEMA will only reimburse for reasonable costs.
- ☞ All activities in the contract must be required for debris removal and are eligible for reimbursement.



- 💣 **No contractor has the authority to make determinations on eligibility, acceptable emergency contracts or definitions of emergency work.**





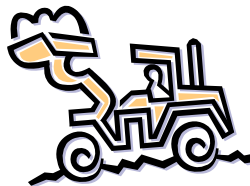
DISASTER RELIEF

Debris Removal Contracts

Debris Removal Contract Issues

Contract Activities:

- ☑ Debris management planning
 - Not eligible is done prior to a disaster
- ☑ Clearance, removal & hauling
 - Separate contracts may be used
- ☑ Demolition
- ☑ Debris management sites
 - Overall operations or specific activities
- ☑ Recycling or volume reduction activities
- ☑ Removal & disposal of household hazardous waste, asbestos, etc.
- ☑ Final disposition
- ☑ Monitoring
- ☑ Overall project management
 - Reimbursement depends on magnitude of event & impact to community, costs, etc.



Contract Requirements

- ☑ Must follow local, state and federal procurement procedures
- ☑ Must use competitive bidding
- ☑ Scope-of-work must be well-defined
- ☑ Require detailed documentation
- ☑ Include termination for convenience clause
- ☑ Specify a reasonable period of performance
- ☑ Make own debris estimate
- ☑ Fully document debris removal process

Contract Types

- ☑ Time and Materials
 - Used during first 70 hours of the emergency
 - Cannot exceed 70 hours without waiver
 - Must have a dollar amount cap on contract
 - Requires detailed documentation & full time monitors
- ☑ Unit Price
 - Requires full-time trained third-party contract monitors
 - Requires all trucks to be accurately measured & numbered
 - Requires all truckloads to be documented.
- ☑ Lump Sum
 - Area Method:
 - Contractor shoulders most of the risk
 - Requires clear, definable scope of work
 - Pass Method:
 - Scope of work more definitive
 - Minimum labor required for management



Additional Resources

- [CalEMA Concept of Operations](#)
- [Debris Removal Flyer](#)
- [Private Property Debris Removal](#)
- [Debris Contracting Flyer](#)
- [Debris Estimating Flyer](#)
- [Debris Forecasting Flyer](#)
- [Debris Management Plan Flyer](#)
- [Debris Training Flyer](#)
- [CalEMA Debris Training Manual](#)



Web Sites

www.calema.ca.gov
www.calrecycle.ca.gov
www.fema.gov



FOR MORE
INFORMATION ON DEBRIS
MANAGEMENT CONTACT:

Melinda Stehr
Technical Assistance Programs
Desk: (916) 845-8274
Cell: (916) 265-8205
Email:
Melinda.Stehr@calema.ca.gov

